

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA**

DELBERT INGRAM, SR., Individually,)	
)	
Plaintiff,)	Case No.: CIV-18- 210-F
)	
v.)	JURY TRIAL DEMANDED
)	
UNITED STATES OF AMERICA, ex rel.,)	
VETERANS ADMINISTRATION MEDICAL)	
CENTER,)	
)	
Defendant.)	

COMPLAINT

COMES NOW the Plaintiff, Delbert Ingram, Sr., individually, by and through counsel, and for his cause of action against the Defendant, United States of America alleges and states as follows:

1. Delbert Ingram, Sr., at all relevant times was a resident of Oklahoma County, State of Oklahoma.
2. The Defendant is the United States of America as the operating entity of the Veterans Administration Medical Center. Therefore, jurisdiction is proper pursuant to 28 USC §1346(B)(1).
3. The acts complained of herein occurred at the Department of Veterans Affairs, Oklahoma City, Veterans Administration Medical Center, within the Western District of Oklahoma. The acts and failures to act complained of herein were committed by the employees of the Oklahoma City Veterans Administration Medical Center. May 11, 2015, the Defendant, the United States of America, by and through the Department of Veterans Administration Medical Center, negligently failed to diagnose Plaintiff's acute appendicitis which ultimately led to Plaintiff suffering a perforated appendix.
4. Plaintiff presented to the emergency department of the Veterans Administration Medical Center on May 11, 2015 with complaints of severe abdominal cramping that radiated to his right side. Plaintiff described the pain as "sharp and stabbing". Plaintiff was examined, an EKG and

CT scan were performed, and Plaintiff was administered an intravenous “GI cocktail” and was subsequently released from the emergency department and sent home.

5. On May 11, 2015, Plaintiff again presented to the emergency department of the Veterans Administration Medical Center with complaints of severe epigastric pain radiating diffusely throughout his abdomen and to the right flank area. Plaintiff was examined, diagnosed with “nonspecific abdominal pain” and released to his home. Plaintiff was instructed to continue taking antacids at home and follow-up with his primary care physician the following day if not better.

6. On May 12, 2015, Plaintiff again presented to the emergency department of the Veterans Administration Medical Center with complaints of abdominal pain. Plaintiff informed the staff that he had been in the emergency department the previous day with the same complaints and he felt as though he was not properly diagnosed. Plaintiff again stated that his pain was located in the center of his abdomen and radiated around the right side of his abdomen. Plaintiff was again examined, an EKG was performed, and Plaintiff was given intravenous “GI cocktail”, as well as pain medication and medication for nausea. Plaintiff was diagnosed with gastritis and was sent home.

7. On May 12, 2015, Plaintiff made two telephone calls to Defendant with complaints of constant and severe pain in his abdomen that radiates to the right side. On the second telephone call, Plaintiff informed the staff that he had been in the emergency department earlier that day and was still unable to find relief. He again stated that his pain was in his abdomen and radiates to his right side. At this time Plaintiff was told his complaints would be forwarded to his primary care physician.

8. On May 12, 2015, Plaintiff was transported to Defendant’s facility via ambulance. Upon arrival, Plaintiff informed the staff that this was his third visit to Defendant’s emergency department in twenty-four (24) hours. Plaintiff continued to complain of unresolved abdominal pain that radiated to the right side. Although Plaintiff arrived via ambulance, Plaintiff was left in the waiting room where he remained in severe pain. Plaintiff was in so much pain that he was crying out, which

led Defendant to call security on Plaintiff with allegations that Plaintiff was disturbing the peace due to the “loud moaning and crying out in pain.” Defendant’s security advisors told Plaintiff to be quiet and advised that he would not be seen any faster by moaning. During the time Plaintiff was left in the waiting area, Plaintiff made 3 calls to the administration asking for help with no response. After waiting more than two (2) hours in Defendant’s waiting area, Plaintiff returned home due to not receiving medical attention.

9. On May 13, 2015, Plaintiff was transported via ambulance to St. Anthony’s Hospital in Oklahoma City. Upon arrival at St. Anthony’s, Plaintiff was examined and a CT Scan was performed. It was determined that Plaintiff had appendicitis with a perforation at the base of the appendix, requiring an appendectomy. Plaintiff subsequently developed an infection and was hospitalized at St. Anthony’s in Oklahoma City for approximately one (1) week.

10. As a result of Defendant’s negligence, Plaintiff is pursuing a claim against the United States of America for money damages for personal injury caused by the negligent acts and omissions of the employees of the United States while acting within the scope of their employment while providing care to Delbert Ingram, Sr., at the Oklahoma City Veterans Administration Medical Center.

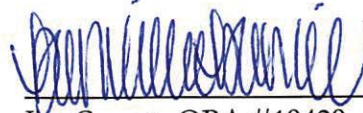
11. Plaintiff served his Tort Claim notice on March 20, 2017. The statutory period has passed, allowing Plaintiff to pursue a lawsuit.

12. Plaintiff requests damages for his injuries, medical treatment incurred, expenses incurred, emotional pain and suffering, and physical pain and suffering. Plaintiff pleads that these damages are in an amount in excess of \$75,000.00

WHEREFORE, based on the foregoing, Plaintiff requests that this Court award damages for the above-described injuries and all other damages recoverable under the law.

Respectfully submitted,

WARHAWK LEGAL

A handwritten signature in blue ink, appearing to read "Danielle Daniel", is written over a horizontal line.

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